

EXHIBIT "C"

Instructions: Fill in the caption and index number. Complete the blank spaces printed in bold below following the directions provided. [All other spaces are for court use only.]

FILED

JUL 10 2001

PRESENTED BY ALAN J. SAKS
Justice of the Supreme Court

At ~~135~~ Part 10 of the Supreme Court of the State of New York, held in and for the County of ~~New York~~ at the Courthouse thereof on the 3 day of JULY ~~199~~ 2001

DENIED

UNION PLANTERS BANK, N.A.
Plaintiff,

Index No. 15633/00

- against -

ESTATE OF ESSIE MAE KEYS, Debrah KEYS, et al
Defendant.

ORDER TO SHOW CAUSE
IN CIVIL ACTION

Upon reading and filing the affidavit of DEBRAH

KEYS

[NAME OF APPLICANT OR OTHER PERSON SUBMITTING

AFFIDAVIT IN SUPPORT] sworn to on the 29 day of JUNE

~~199~~ 2001 [DATE OF AFFIDAVIT BEING SWORN TO], and upon the exhibits

attached to the affidavit, and [LIST OTHER SUPPORTING PAPERS, IF

ANY] DEPT. OF FINANCE (SEARCH REPORT), SWORN Affidavits filed with Court
PLAINTIFF

Let the ~~defendant~~ or his/her attorney show cause at ~~135~~ Trial Ten

Part 10, Room 405, of this Court, to be held at the Courthouse,

BX, New York, New York, on the 13TH day of JULY, 2001 at 9:30 o'clock in the Fore

noon or as soon as counsel may be heard why an order should not be

made [DESCRIBE IN THE FOLLOWING SPACE THE NATURE OF THE RELIEF

BEING SOUGHT BY THIS ORDER TO SHOW CAUSE]

TO BE DISMISSED WITH PREJUDICE.

for the reasons that [SPECIFY THE REASONS SUPPORTING YOUR REQUEST]

TO THE BEST OF MY KNOWLEDGE, NO MONIES ARE DUE OR
DUE TO THE PLAINTIFF (MORTGAGE LIFE INSURANCE WAS SOLD TO
MY DECEASED MOTHER, ESSIE MAE KEYS THROUGH NY GUARDIAN), AND
I BELIEVE TRAVERSE EXIST SINCE I WAS NOT SERVED. FURTHERMORE,
A WILL IS ON FILE WITH Bx County Surrogate FILED JULY 25 1997 ON OR ABOUT
ALSO, IT APPEARS SERVICE WAS MADE UPON MY DECEASED MOTHER AND UNKNOWN PERSONS.
Pending the hearing of this motion, it is so ORDERED that

Sufficient cause appearing therefor, let ~~personal~~ service

of a copy of this order, and the papers upon which this order is
by ~~personal delivery to the attorney's office~~
granted upon the defendant on or before the 6TH day of JULY
2001 ~~199~~ ²⁰⁰¹ be deemed good and sufficient.

ENTER:

~~Alan J. Saks~~

ASL 7/3/01
DENIED WITH LEAVE TO RENEW.
APPLICANT DOES NOT SPECIFICALLY ADDRESS
THE FACTS CONTAINED IN THE PROCESS SERVER'S
FIDAVIT REGARDING NAULT MAIL SERVICE,
THE COURT STRONGLY ADVISES THAT COUNSEL
BE RETAINED.

ASL
TSC

EXHIBIT “D”

Instructions: Fill in names in the box below and the index number. Complete the blank spaces printed in bold below following the directions provided. [ALL OTHER BLANK SPACES ARE FOR COURT USE ONLY.]

PROOF OF SERVICE MUST BE FILED IN THE SUPREME COURT, CIVIL BRANCH CLERK'S OFFICE, ROOM 217, NO LATER THAN NOON OF THE DAY PRIOR TO THE RETURN DATE.

At IAS Part 10 of the Supreme Court of the State of New York, held in and for the County of New York at the Courthouse thereof, 851 Grand Concourse Street, New York, New York, on the 29 day of August 1992001

PRESENT: HON. ALAN J. SAKS
Justice of the Supreme Court

UNION PLANTERS BANK, N.A.
[FILL IN NAME(S)]
Plaintiff(s),

Index No. 15633/00

- against -
ESTATE OF ESSIE MAE KEYS,
WINSTON MASON, DEBRAH KEYS, etc.
[FILL IN NAME(S)]
Defendant(s).

FILED
JUN 06 2002
ORDER TO SHOW CAUSE
IN CIVIL ACTION
BRONX COUNTY CLERK'S OFFICE

Upon reading and filing the attached affidavit of DEBRAH KEYS [YOUR NAME OR THAT OF OTHER PERSON

SUBMITTING AFFIDAVIT IN SUPPORT], sworn to on the 28 day of August, 2001 [DATE THE AFFIDAVIT WAS SWORN TO BEFORE A

NOTARY PUBLIC], and upon the exhibits attached to the affidavit,

and: [LIST OTHER SUPPORTING PAPERS IF ANY, E.G., ADDITIONAL

AFFIDAVITS] DEPT. OF FINANCE (SEARCH REPORT), SWORN AFFIDAVITS
FILED WITH COURT

Let the plaintiff(s) ~~defendant(s)~~ [CROSS OUT INAPPLICABLE ITEM] or his/her/their attorney show cause at IAS Part 10, Room 405, of this Court, to be held at the Courthouse, 851 GRAND CONCOURSE Street, New York, New York, on the 28th day of SEPTEMBER,

ACTION - GEN. - OSC

2001
199, at 9:30 o'clock in the forenoon or as soon as counsel
may be heard why an order should not be made [DESCRIBE THE NATURE
OF THE RELIEF BEING SOUGHT BY THIS ORDER TO SHOW CAUSE] _____

TO BE DISMISSED WITH PREJUDICE

for the reasons that [SPECIFY THE REASONS SUPPORTING YOUR REQUEST]

TO THE BEST OF MY KNOWLEDGE, NO MONIES ARE DUE OR OWED TO THE PLAINTIFF,
(MORTGAGE LIFE INSURANCE WAS SOLD TO MY DECEASED MOTHER, ESSIE MAE KEYS, THROUGH NY GUARDIAN
AND I BELIEVE TRAVERSE EXIST SINCE I WAS NOT SERVED. I DID NOT RECEIVE ANY DOCUMENT
FROM PLAINTIFF OR ANY AGENT OF PLAINTIFF'S ON 5/13/2000, 5/17/2000, 5/20/2000, 5/25/2000
BY REGULAR, REGISTERED OR ANY OTHER FORM OF MAILING AS WELL AS IN PERSON, OR AFFIXED
TO MY DOOR AT 4164 WICKHAM AVE, BX N.Y. (CONTINUED ON ADDITIONAL PAPER)
Sufficient cause appearing therefor, a copy of this

order, and the papers upon which this order is based, shall be
personally ^{attorneys by certified mail, return receipt requested} served upon the plaintiff(s) / defendant(s) on or before
the 10TH day of SEPTEMBER, 2001. ~~An affidavit or other~~
~~proof of service shall be presented to this Court at the appearance~~
~~directed in the second paragraph of this order.~~

ENTER:

ajl
J.S.C.

6/23/97

EXHIBIT “E”

Supreme Court
of the
State of New York



ALAN J. SAKS
SUPREME COURT JUSTICE

November 29, 2001

Robert S. Leni, Esq.
Shapiro & Dicaro, LLP
700 Cornerstone Centre
2300 Buffalo Road
Rochester, New York 14624

Re: Union Planters Bank v. Mason, et. al.
Index No. 15633/00

Dear Mr. Leni,

In connection with the motion submitted on November 16, 2001 in the above referenced action, the Court hereby directs that additional papers be submitted with regard to the following:

One of the issues raised by the moving defendant is that her deceased mother had purchased a life insurance policy the proceeds of which in the event of death would satisfy the outstanding mortgage obligation. Movant asserts that the amount of the monthly mortgage payments increased after this policy was acquired through the New York Guardian Mortgage Corporation. The Court notes that pursuant to the original mortgage bond dated October 8, 1982, the monthly payments were to be in the sum of \$568.80. Yet, included among the papers on file with the County Clerk for this action is an affidavit by Janice Ellis, a foreclosure specialist for plaintiff. In this affidavit sworn to on July 19, 2001, Ms. Ellis states the monthly payment due at the time of default in August 1999 was \$874.25, a difference of \$278.45. Additionally, Ms. Ellis references among the advances paid by plaintiff an item identified as FHA/PMI premium \$419.76.

The additional submission from plaintiff shall address this discrepancy in the monthly mortgage payment amounts and whether any part of it is related to the alleged life insurance premium, and more clearly identify the FHA/PMI premium charge.

Plaintiff shall furnish the above information to the Court in an affidavit by an appropriate individual with personal knowledge. The additional information shall be mailed to chambers so as to be received not later than December 21, 2001, with service upon the defendant/movant simultaneous with the mailing to the Court. Defendant/movant shall have until January 14, 2002 to submit responsive papers to the Court, with service upon the plaintiff.

Very truly yours,

Steven Konigsberg, Esq.

cc: Debrah Keys
4164 Wickham Avenue
Bronx, New York 10466

JUSTICES' CHAMBERS
851 GRAND CONCOURSE
BRONX, NEW YORK 10451

FILED

NOV 06 2002

BRONX COUNTY CLERK'S OFFICE

EXHIBIT "F"

12/31/01

Alan J. Saks

Instructions: Fill in the names of the parties and the Index Number. Complete the black spaces next to the instructions printed in bold type. PRINT AND USE BLACK INK ONLY. SIGN YOUR NAME BEFORE A NOTARY PUBLIC.

(2502) SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK BRONX

JAN 16 2002

UNION PLANTERS BANK, N.A.
[FILL IN NAME(S)] Plaintiff(s)

Index No.

15633 100

-against-

ESTATE OF ESSIE MAE KEYS,
WINSTON MASON DEBRAH KEYS, etc.
[FILL IN NAME(S)] Defendant(s)

FILED NOTICE OF MOTION

JUN 06 2002

BRONX COUNTY CLERK'S OFFICE

PLEASE TAKE NOTICE that upon the attached affidavit(s) of

Debrah Keys

[YOUR NAME(S)], sworn

to on the 31 day of DECEMBER, 2001, [DATE THE AFFIDAVIT WAS
SWORN TO BEFORE A NOTARY PUBLIC], and the exhibits attached thereto,
and upon all the proceedings in this case to date, the ~~plaintiff(s)~~
defendant(s) [IDENTIFY THE PARTY MAKING MOTION] Debrah Keys

will move in this Court, at 9:30 A.M. on
the 25 day of JANUARY, 2002, at the Courthouse, 851
GRAND CONCOURSE, BRONX, N.Y.
~~Street, New York, N.Y., in the Motion Support Courtroom, Room 130,~~
for a order, pursuant to Civil Practice Law and Rules (CPLR)

[INSERT SECTION THAT APPLIES], granting the following to the movant(s)

[DESCRIBE THE RELIEF BEING SOUGHT] Dismiss Plaintiff'sComplaint AGAINST DEFENDANT(S), With PREJUDICE,

and granting

such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to Civil Practice Law and Rules 2214 (b), you are hereby required to serve copies of your answering affidavits on the undersigned no later than the seventh day prior to the date set above for the submission of this motion.

Dated: BRONX, New York
DECEMBER 31, 2001

Respectfully Submitted,

DEBRAH KEYS
4164 WICKHAM AVENUE
BRONX, NEW YORK, 10466
(718) 994 7666
[PRINT YOUR NAME, ADDRESS and
TELEPHONE NUMBER]

To: Attorney for Plaintiff(s) /
Defendant(s) [CIRCLE ONE]

SHAPIRO AND DiCARO, LLP
700 CORNERSTONE CENTRE
2300 BUFFALO ROAD
ROCHESTER, NEW YORK 14624
[PRINT NAME, ADDRESS and
TELEPHONE NUMBER] (716) 547-9000

Instructions: Fill in the names of the parties and the Index Number. Complete the blank spaces next to the instructions printed in bold type. PRINT AND USE BLACK INK ONLY. SIGN YOUR NAME BEFORE A NOTARY PUBLIC.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ~~NEW YORK~~ BRONX

UNION PLANTERS BANK, N.A.
[FILL IN NAME(S)] Plaintiff(s)/Petitioner(s)

Index No.

15633 / 00

-against-

ESTATE OF ESSIE MAE KEYS,
WINSTON MASON, DEBRAH KEYS, et al.
[FILL IN NAME(S)] Defendant(s)/Respondent(s)

AFFIDAVIT

IN SUPPORT

(2)

STATE OF NEW YORK
COUNTY OF BRONX [COUNTY WHERE NOTARIZED] ss:

DEBRAH KEYS [YOUR NAME],

being duly sworn, deposes and says:

1. I am the plaintiff/petitioner/~~defendant~~/respondent [CIRCLE ONE], in this action/proceeding. I make this affidavit in support of my motion for an order [STATE WHAT YOU WANT THE COURT'S ORDER TO PROVIDE OR GRANT YOU. THIS STATEMENT MUST ALSO BE INCLUDED IN THE NOTICE OF MOTION or ORDER TO SHOW CAUSE] Dismiss Plaintiff's Complaint Against Defendant(s), With Prejudice.

2. I believe the Court should grant my motion because [EXPLAIN YOUR REASONS. USE ADDITIONAL PAPER IF NECESSARY.] 1.) Plaintiff has NOT complied, AS DIRECTED by the Court, (Letter DATED November 29, 2001 (Copy Attached)) to ADDRESS DISCREPANCY in monthly

MORTGAGE PAYMENT, AND to clearly identify the
FHA/PMI premium charge. It is REASONABLE to CONCLUDE,
IN FACT what I SAID WAS ACCURATE. THE PRIOR LENDER
NEW YORK GUARDIAN MORTGAGE COMPANY SOLD my late mother A
MORTGAGE INSURANCE that WAS TO COVER (PAY OFF) the balance
OF her mortgage up to \$110,000 UPON her DEATH, the payments
WERE INCLUDED in her monthly mortgage payments, right up
until the time of her death (May 25 1996). THE EXCESS

3. [IF YOU ARE MOVING BY ORDER TO SHOW CAUSE YOU MUST FILL IN
(ADDITIONAL PAPER USED)]

THIS PARAGRAPH.] No prior application has been made for the relief
sought herein except [LIST ALL PRIOR REQUESTS FOR THE SAME RELIEF
MADE IN THIS OR ANY OTHER COURT AND THE RESULTS OF THOSE
APPLICATIONS. USE ADDITIONAL PAPER IF NECESSARY. IF NO PRIOR REQUESTS
HAVE BEEN MADE, STATE "None"]

WHEREFORE, I respectfully request that this motion be granted,
and that I have such other and further relief as may be just and
proper.

Sworn to before me on the

31 day of December, 2001

Diana M. Collins

Notary Public

DIANA M. COLLINS
Notary Public, State of New York
No. 04CO6060725
Qualified in Bronx County
Commission Expires July 2, 2003

[SIGN YOUR NAME BEFORE A
NOTARY PUBLIC]

DEBRAH KEYS

[PRINT YOUR NAME]

Aff-Supp-6/01

MONIES ARE CLEAR IN THE MORTGAGE PAYMENTS,
AND PLAINTIFF HAS FAILED TO IDENTIFY THIS MONEY.

2) TRAVERSE EXISTS AS I Debrah Keys WAS
NEVER SERVED WITH Summons AND Complaint.

3) THERE IS NO PROOF OF ADVANCED PAYMENT
TO THE FEDERAL GOVERNMENT IN THE AMOUNT
OF \$419.76 FOR FHA/PMI PREMIUM.

4) PLAINTIFF SUBMITTED TO COURT, ALONG WITH
THEIR COMPLAINT NUMEROUS FALSE AFFIDAVITS
WHERE THEY SAY THEY PERSONALLY SERVED INDIVIDUALS
AT 4164 WICKHAM AVE, BX, N.Y., AND THAT THEY
HAD PERSONALLY SERVED ESSIE MAE KEYS (MY LATE MOTHER)
ALL THESE AFFIDAVITS, IN FACT ARE NOT TRUE, NO
SUCH INDIVIDUALS HAVE EVER BEEN AT 4164 WICKHAM AVE
ON THESE DATES AND TO THE BEST OF MY KNOWLEDGE
THEY DO NOT EXIST. FURTHERMORE SERVICE UPON
ESSIE MAE KEYS (MY LATE MOTHER), WHICH PLAINTIFF, IN
AFFIDAVIT SAID THEY SERVED UPON HER PERSONALLY
DECEMBER 1, 1999 AT 6:10 PM, AT 4164 WICKHAM AVE,
BX, N.Y. IS FURTHER PROOF OF PLAINTIFF'S ~~be~~ acting
IN BAD FAITH. ESSIE MAE KEYS DIED ON MAY 25, 1996.
(COPIES OF AFFIDAVITS AND DEATH CERTIFICATE ATTACHED).

5) I HAD AN ATTORNEY CONTACT PLAINTIFF ON MARCH
20, 2000 (LETTER ATTACHED), PLAINTIFF WOULD NOT
SUPPLY ATTORNEY WITH NECESSARY DOCUMENTATION TO

Support their claim, AS well as not responding to the Court.

6) Plaintiff's complaint is NOT TRUE in its entirety. THERE ARE NO MONIES DUE OR ~~OWED~~^{DUE} TO THE Plaintiff.

7) THE Plaintiff HAS COMMITTED UNCONSCIONABLE ACTS FROM THE START OF THESE PROCEEDINGS, I PREY UPON THE COURT TO GRANT THE RELIEF I SEEK. DISMISS THE PLAINTIFF'S COMPLAINT, WITH PREJUDICE.

insr